

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Takashi SHIRAKAWA et al.
Title: EXHAUST GAS PURIFYING APPARATUS AND METHOD
FOR INTERNAL COMBUSTION ENGINE
Appl. No.: 10/780,774
Filing Date: 2/19/2004
Examiner: Tu Minh NGUYEN
Art Unit: 3748
Confirmation Number: 2066

***LETTER
(UNDER A GENERAL OBLIGATION OF CANDOR AND GOOD FAITH
IN PRACTICE BEFORE THE OFFICE)***

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

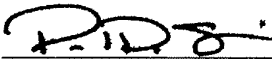
Sir:

Applicants hereby respectfully request that the Patent Office recalculate the Patent Term Adjustment. It is believed that the Patent Term Adjustment should be 421 days instead of 422 days. Applicants filed an Amendment after Final Rejection on October 27, 2008. The PTO indicates that the Amendment was filed on October 26, 2008 which caused them to erroneously not charge the Applicants 1 additional delay day. Therefore, the Applicant delay days should be 88 days instead of 87 days for a total Patent Term Adjustment of 421 days. This letter is being filed consistent with the general obligation of candor and good faith in practice before the Office and pursuant to the PTO's response to Comment 43 of the Final Rule RIN 0651-AB06 published in the Federal Register, Vol. 65, No. 181, on September 18, 2000, which states as follows:

“In order to comply with this duty and where the correct adjustment is thought to be less than indicated by the Office, an application for term adjustment under § 1.705(b) need not be filed. Instead, a letter could be filed with the issue fee payment, indicating that the term adjustment is thought to be longer than appropriate.”

Respectfully submitted,

Date JAN 21 2009

By 

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